

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Introduction of Ordinance Amending Title 2, Chapter 2.16 "Planning Commission" by adding Section 2.16.010(C) relating to Planning Commission Membership, and Repealing and Reenacting Section 2.16.030 Officers—Rules—Powers and Duties relating to Planning Commission Powers

DATE: August 20, 2003


PREPARED BY: Randall A. Hays, City Attorney

RECOMMENDED ACTION: That the City Council introduce an Ordinance Amending Title 2, Chapter 2.16 of the Lodi Municipal Code so that membership on and the duties of the Planning Commission are as recommended by the City Council at its Special Meeting of July 30, 2003.

BACKGROUND INFORMATION: At the Special Meeting of the Council held July 30, 2003, the City Council discussed who should be eligible for membership to City Boards and Commissions. It was developed in that discussion that members of the Planning Commission should be registered voters living within the corporate limits of the City of Lodi. Since the Planning Commission is specifically called out in Chapter 2.16 of the Lodi Municipal Code, the new qualification for membership on the Planning Commission is properly contained within that chapter. Additionally, while reviewing that chapter, it was noted that a reference is contained in that chapter to a State law by title. The particular title of that State law has changed since the prior code section was adopted.

The Ordinance presented to you this evening makes the necessary amendments to Chapter 2.16 to incorporate the Council's desire to have only registered voters of the City of Lodi serve on the Planning Commission. Additionally, the Ordinance corrects the title of the State law which is referenced in that Chapter.

FUNDING: Not Applicable.


Randall A. Hays
City Attorney

APPROVED:


H. Dixon Flynn -- City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING TITLE 2, CHAPTER 2.16 "PLANNING COMMISSION,"
BY ADDING SECTION 2.16.010(C) RELATING TO PLANNING
COMMISSION MEMBERSHIP, AND REPEALING AND
REENACTING SECTION 2.16.030 OFFICERS—RULES—POWERS
AND DUTIES RELATING TO PLANNING COMMISSION POWERS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 2.16.010(C) is hereby added to the Lodi Municipal Code to read as follows:

- C. In order to be considered for appointment to the Planning Commission, a person must be a registered voter of the City of Lodi at the time of application for consideration. The provisions of this subsection shall apply to appointments made after October 15, 2003.

SECTION 2. Section 2.16.030 Officers—Rules—Powers and Duties is hereby repealed and reenacted as follows:

The City Planning Commission shall have power to elect its own presiding officer with the title of Chairman and such other officers as may be necessary or expedient, to adopt rules of order and procedure, and do and perform its duties in conformance with Title 7 of the California Government Code and such other laws as may appertain to City planning and zoning.

Section 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer, employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of all liability for damages, except as otherwise imposed by law.

Section 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5 All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2003

SUSAN HITCHCOCK
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

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State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held _____, 2003, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2003 by the following vote:

AYES: COUNCIL MEMBERS –
NOES; COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

RANDALL A. HAYS
City Attorney